

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cowboys Bar, LLC,

Case No. 21-cv-2245 (NEB/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

WPG Northtown Venture, LLC

Defendant.

In an August 2, 2022 Order, this Court stayed the matter and gave Plaintiff until August 31, 2022 to secure new counsel. The Order further advised that if new counsel did not make an appearance by August 31, 2022, the Court would recommend that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and no new counsel for Plaintiff has made an appearance.

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, this Court RECOMMENDS THAT:

1. Plaintiff's action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

2. This dismissal will not affect the counterclaims in this action.

Dated: September 9, 2022

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).